

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOBBY LEE DICKERSON, JR.,

Petitioner,

v.

RENTON POLICE DEPARTMENT, *et al.*,

Respondents.

Case No. C12-1172-RAJ-JPD


REPORT AND RECOMMENDATION

On July 9, 2012, petitioner Bobby Lee Dickerson submitted to this Court for filing a document entitled "Personal Restraint Petition." While it appeared that petitioner may be attempting to initiate a federal habeas action, petitioner's pleading was largely incomprehensible. Petitioner subsequently submitted a document entitled "Motion to Amend" in which he made reference to 28 U.S.C. § 2254, 28 U.S.C. § 2255 and the Jencks Act. Again, however, his submission was largely incomprehensible. Because it was unclear from petitioner's submissions the precise type of action he was seeking to file, and the precise claims he was attempting to assert, the Court deemed it appropriate to give petitioner an opportunity to clarify his intentions before taking any further action in this matter.

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1 Accordingly, on September 12, 2012, this Court issued an Order directing petitioner to
2 submit his pleading to the Court on the Court provided habeas and to clearly identify therein the
3 claims he intended to assert in this proceeding. Petitioner was directed to submit his pleading
4 not later than thirty days from the date of the Order and was advised that his failure to timely
5 comply with the Order would result in a recommendation that this action be terminated. To date,
6 petitioner has not submitted any actual pleading to this Court for review. Accordingly, this
7 Court recommends that the instant action be terminated for failure to prosecute and that
8 petitioner's pending application for leave to proceed *in forma pauperis* be stricken as moot. A
9 proposed order accompanies this Report and Recommendation.

10 DATED this 13th day of November, 2012.

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12 JAMES P. DONOHUE
13 United States Magistrate Judge
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